

REMARKS

At the outset, applicant wishes to thank Primary Examiner Saul Rodriguez for the courtesies extended during the personal interview held on November 18, 2005 with the undersigned attorney. The Primary Examiner's careful attention to the application on that occasion was sincerely appreciated.

Claims 1-3 and 5-7 were rejected under 35 USC §102(b) as being anticipated by the French reference 1,150,579. The Official Action states that this French reference discloses a positive engagement clutch comprising an input side, an output side, a torque input member, a torque output member, first engagement members (4), second engagement members (5), a common axis, projecting and retracting positions, a gap which is viewed as the area occupied by the engagement members, and bearings.

Claims 1 and 3-7 were rejected under 35 USC §102(b) as being anticipated by the French reference 514,290. The Official Action states that this French reference discloses a positive engagement clutch comprising an input side, an output side, a torque input member, a torque output member, first engagement members, second engagement members, a common axis, projecting and retracting positions, a gap (4), rollers (9), a push rod element (16).

Reconsideration of the above rejections is respectfully requested for the following reasons.

As was explained during the interview, the two French references are clearly different from applicant's claimed arrangement. In particular, with regard to the French reference '579, the Official Action states that the first engagement members are ball bearings 4, and second engagement members are ball bearings 5. These two ball bearings are always in contact or engagement with each other and move within the gap defined within the outer part of the clutch. In sharp contrast, applicant's claim 1 requires that one of the torque input member and the torque output member carries the first engagement members (4), and the other of the torque input member and the torque output member carries the second engagement members (5). It was not readily apparent how the Official Action was construing the arrangement of French '579 to contend that one of the ball bearings 4 is carried by one part of the clutch, while the other ball bearing 5 is carried by the other part of the clutch.

In addition, the final portion of claim 1 requires that the first and second engagement members be disengaged from each other when the first engagement members are in a retracted position. Clearly, the arrangement of French '579 does not provide for disengagement of the two ball bearings 4 and 5.

During the interview, the Primary Examiner explained that he considers the two rollers of French '579 to be the radially movable first engagement members, and the protrusions depicted in Figure 1 at the 1, 3, 5, 7, 9 and 11 o'clock

positions to be the second engagement members. As to the gap between the torque input and output members, the Examiner found the same to be anticipated by the French '579 reference.

With respect to the second French reference '290, it is applicant's belief that the same is more relevant than the French '579 reference. However, it was still not readily apparent how the Examiner was construing the arrangement of French '290 to anticipate applicant's claim 1.

It is accepted that one of the torque input member and the torque output member of French '290 can be said to be carrying the first engagement members (referenced as 9), and that the other of the torque input member and the torque output member carries the second engagement members (referenced as 5 and 6). One can also accept that the first engagement members are radially movable between a projecting and a retracted position. However, it is not clear how the second engagement members, which are carried by the other of the torque input member and the torque output member, project radially into a gap between the torque input member and the torque output member. Indeed, as far as can be determined from Figure 2 of French '290, the second engagement member 5 projects **axially**, between channel walls of the other of the torque input member and the torque output member (2). Thus, it is not clear how the Official Action construes that the second engagement members (5) project **radially** into this gap. It is respectfully submitted that the second engagement

members in the arrangement of French '290 do not project radially into such gap.

During the interview, and as is reflected in the Examiner Interview Summary record, the Examiner kindly indicated that defining the second engagement members as being seated in spaced apertures in a crown gear arrangement would overcome the current prior art rejections. However, it was indicated that such an amendment would probably not be entered, as it would necessitate a new search and consideration. It was suggested that such amendment be presented in a continuing application.

The Official Action had indicated that claim 8 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form so as to include all of the limitations of the base claim and any intervening claims..

By the present amendment, and in order to advance prosecution of the instant application, it will be seen that claim 1 has been amended so as to include the allowable subject matter formerly recited in claim 8. In addition, the preamble of each of dependent claims 2-7 has been amended in a corresponding manner. Nevertheless, it should be emphasized that applicant reserves the right to pursue the broader recitations of former claims 1-7 in a continuing application. However, as was pointed out above, in order to expedite issuance of the present

application, the allowable subject matter of claim 8 has been incorporated into independent former claim 1.

In view of the recent interview, the present amendment, and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance. Reconsideration and allowance on the basis of claims 1-7 are accordingly earnestly solicited.

In the event that there are any questions relating to this amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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